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Representatives Foley, Blessing

Cosponsors: Representatives Celeste, Skindell, Morgan, Harris, Evans, Snitchler, Pillich, Mecklenborg, Murray, Phillips, Combs, Grossman, Harwood, Newcomb, McGregor, Chandler, Oelslager, Yates, Ujvagi, Weddington, Stewart, Yuko, Stebelton, Adams, J., Bacon, Hagan, Baker, Batchelder, Belcher, Bolon, Boose, Boyd, Brown, Bubp, Carney, DeBose, Domenick, Driehaus, Dyer, Garland, Goodwin, Goyal, Hackett, Heard, Koziura, Lehner, Letson, Luckie, Lundy, Mallory, Patten, Pryor, Szollosi, Uecker, Williams, B., Williams, S., Winburn

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A B I L L

To amend sections 133.06, 133.20, 3313.372, 3313.46, 1
and 4928.62 and to enact section 3313.377 of the 2
Revised Code to authorize school boards, for 3
on-site renewable energy generation measures and 4
in the same manner as for energy conservation 5
measures, to enter into installment contracts 6
subject to specified terms of payment, to provide 7
that energy conservation installment contracts are 8
subject to those same terms, and to establish a 9
two-tiered, three-year renewable energy schools 10
pilot program that creates a process for schools 11
to obtain a supply of electricity generated from 12
renewable energy resources. 13

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 133.06, 133.20, 3313.372, 3313.46, 14
and 4928.62 be amended and section 3313.377 of the Revised Code be 15
enacted to read as follows: 16

Sec. 133.06. (A) A school district shall not incur, without a 17
vote of the electors, net indebtedness that exceeds an amount 18
equal to one-tenth of one per cent of its tax valuation, except as 19
provided in divisions (G) and (H) of this section and in division 20
(C) of section 3313.372 of the Revised Code, or as prescribed in 21
section 3318.052 of the Revised Code, or as provided in division 22
(J) of this section. 23

(B) Except as provided in divisions (E), (F), and (I) of this 24
section, a school district shall not incur net indebtedness that 25
exceeds an amount equal to nine per cent of its tax valuation. 26

(C) A school district shall not submit to a vote of the 27
electors the question of the issuance of securities in an amount 28
that will make the district's net indebtedness after the issuance 29
of the securities exceed an amount equal to four per cent of its 30
tax valuation, unless the superintendent of public instruction, 31
acting under policies adopted by the state board of education, and 32
the tax commissioner, acting under written policies of the 33
commissioner, consent to the submission. A request for the 34
consents shall be made at least one hundred five days prior to the 35
election at which the question is to be submitted. 36

The superintendent of public instruction shall certify to the 37
district the superintendent's and the tax commissioner's decisions 38
within thirty days after receipt of the request for consents. 39

If the electors do not approve the issuance of securities at 40
the election for which the superintendent of public instruction 41
and tax commissioner consented to the submission of the question, 42
the school district may submit the same question to the electors 43

on the date that the next special election may be held under 44
section 3501.01 of the Revised Code without submitting a new 45
request for consent. If the school district seeks to submit the 46
same question at any other subsequent election, the district shall 47
first submit a new request for consent in accordance with this 48
division. 49

(D) In calculating the net indebtedness of a school district, 50
none of the following shall be considered: 51

(1) Securities issued to acquire school buses and other 52
equipment used in transporting pupils or issued pursuant to 53
division (D) of section 133.10 of the Revised Code; 54

(2) Securities issued under division (F) of this section, 55
under section 133.301 of the Revised Code, and, to the extent in 56
excess of the limitation stated in division (B) of this section, 57
under division (E) of this section; 58

(3) Indebtedness resulting from the dissolution of a joint 59
vocational school district under section 3311.217 of the Revised 60
Code, evidenced by outstanding securities of that joint vocational 61
school district; 62

(4) Loans, evidenced by any securities, received under 63
sections 3313.483, 3317.0210, 3317.0211, and 3317.64 of the 64
Revised Code; 65

(5) Debt incurred under section 3313.374 of the Revised Code; 66

(6) Debt incurred pursuant to division (B)(5) of section 67
3313.37 of the Revised Code to acquire computers and related 68
hardware; 69

(7) Debt incurred under section 3318.042 of the Revised Code. 70

(E) A school district may become a special needs district as 71
to certain securities as provided in division (E) of this section. 72

(1) A board of education, by resolution, may declare its 73

school district to be a special needs district by determining both 74
of the following: 75

(a) The student population is not being adequately serviced 76
by the existing permanent improvements of the district. 77

(b) The district cannot obtain sufficient funds by the 78
issuance of securities within the limitation of division (B) of 79
this section to provide additional or improved needed permanent 80
improvements in time to meet the needs. 81

(2) The board of education shall certify a copy of that 82
resolution to the superintendent of public instruction with a 83
statistical report showing all of the following: 84

(a) A history of and a projection of the growth of the 85
student population; 86

(b) The history of and a projection of the growth of the tax 87
valuation; 88

(c) The projected needs; 89

(d) The estimated cost of permanent improvements proposed to 90
meet such projected needs. 91

(3) The superintendent of public instruction shall certify 92
the district as an approved special needs district if the 93
superintendent finds both of the following: 94

(a) The district does not have available sufficient 95
additional funds from state or federal sources to meet the 96
projected needs. 97

(b) The projection of the potential average growth of tax 98
valuation during the next five years, according to the information 99
certified to the superintendent and any other information the 100
superintendent obtains, indicates a likelihood of potential 101
average growth of tax valuation of the district during the next 102
five years of an average of not less than three per cent per year. 103

The findings and certification of the superintendent shall be 104
conclusive. 105

(4) An approved special needs district may incur net 106
indebtedness by the issuance of securities in accordance with the 107
provisions of this chapter in an amount that does not exceed an 108
amount equal to the greater of the following: 109

(a) Nine per cent of the sum of its tax valuation plus an 110
amount that is the product of multiplying that tax valuation by 111
the percentage by which the tax valuation has increased over the 112
tax valuation on the first day of the sixtieth month preceding the 113
month in which its board determines to submit to the electors the 114
question of issuing the proposed securities; 115

(b) Nine per cent of the sum of its tax valuation plus an 116
amount that is the product of multiplying that tax valuation by 117
the percentage, determined by the superintendent of public 118
instruction, by which that tax valuation is projected to increase 119
during the next ten years. 120

(F) A school district may issue securities for emergency 121
purposes, in a principal amount that does not exceed an amount 122
equal to three per cent of its tax valuation, as provided in this 123
division. 124

(1) A board of education, by resolution, may declare an 125
emergency if it determines both of the following: 126

(a) School buildings or other necessary school facilities in 127
the district have been wholly or partially destroyed, or condemned 128
by a constituted public authority, or that such buildings or 129
facilities are partially constructed, or so constructed or planned 130
as to require additions and improvements to them before the 131
buildings or facilities are usable for their intended purpose, or 132
that corrections to permanent improvements are necessary to remove 133
or prevent health or safety hazards. 134

(b) Existing fiscal and net indebtedness limitations make 135
adequate replacement, additions, or improvements impossible. 136

(2) Upon the declaration of an emergency, the board of 137
education may, by resolution, submit to the electors of the 138
district pursuant to section 133.18 of the Revised Code the 139
question of issuing securities for the purpose of paying the cost, 140
in excess of any insurance or condemnation proceeds received by 141
the district, of permanent improvements to respond to the 142
emergency need. 143

(3) The procedures for the election shall be as provided in 144
section 133.18 of the Revised Code, except that: 145

(a) The form of the ballot shall describe the emergency 146
existing, refer to this division as the authority under which the 147
emergency is declared, and state that the amount of the proposed 148
securities exceeds the limitations prescribed by division (B) of 149
this section; 150

(b) The resolution required by division (B) of section 133.18 151
of the Revised Code shall be certified to the county auditor and 152
the board of elections at least seventy-five days prior to the 153
election; 154

(c) The county auditor shall advise and, not later than 155
sixty-five days before the election, confirm that advice by 156
certification to, the board of education of the information 157
required by division (C) of section 133.18 of the Revised Code; 158

(d) The board of education shall then certify its resolution 159
and the information required by division (D) of section 133.18 of 160
the Revised Code to the board of elections not less than sixty 161
days prior to the election. 162

(4) Notwithstanding division (B) of section 133.21 of the 163
Revised Code, the first principal payment of securities issued 164
under this division may be set at any date not later than sixty 165

months after the earliest possible principal payment otherwise 166
provided for in that division. 167

(G)(1) The board of education may contract with an architect, 168
professional engineer, or other person experienced in the design 169
and implementation of energy conservation measures, as defined in 170
section 3313.372 of the Revised Code, for an analysis and 171
recommendations pertaining to installations, modifications of 172
installations, or remodeling that would significantly reduce 173
energy consumption in buildings owned by the district. The report 174
shall include estimates of all costs of such installations, 175
modifications, or remodeling, including costs of design, 176
engineering, installation, maintenance, repairs, and debt service, 177
and estimates of the amounts by which energy consumption and 178
resultant operational and maintenance costs, as defined by the 179
Ohio school facilities commission, would be reduced. 180

If the board finds after receiving the report that the amount 181
of money the district would spend on such installations, 182
modifications, or remodeling is not likely to exceed the amount of 183
money it would save in energy and resultant operational and 184
maintenance costs over the ensuing fifteen years, the board may 185
submit to the commission a copy of its findings and a request for 186
approval to incur indebtedness to finance the making or 187
modification of installations or the remodeling of buildings for 188
the purpose of significantly reducing energy consumption. 189

If the commission determines that the board's findings are 190
reasonable, it shall approve the board's request. Upon receipt of 191
the commission's approval, the district may issue securities 192
without a vote of the electors in a principal amount not to exceed 193
nine-tenths of one per cent of its tax valuation for the purpose 194
of making such installations, modifications, or remodeling, but 195
the total net indebtedness of the district without a vote of the 196
electors incurred under this and all other sections of the Revised 197

Code, except section 3318.052 of the Revised Code, shall not 198
exceed one per cent of the district's tax valuation. 199

So long as any securities issued under division (G)(1) of 200
this section remain outstanding, the board of education shall 201
monitor the energy consumption and resultant operational and 202
maintenance costs of buildings in which installations or 203
modifications have been made or remodeling has been done pursuant 204
to division (G)(1) of this section and shall maintain and annually 205
update a report documenting the reductions in energy consumption 206
and resultant operational and maintenance cost savings 207
attributable to such installations, modifications, or remodeling. 208
The report shall be certified by an architect or engineer 209
independent of any person that provided goods or services to the 210
board in connection with the energy conservation measures that are 211
the subject of the report. The resultant operational and 212
maintenance cost savings shall be certified by the school district 213
treasurer. The report shall be made available to the commission 214
upon request. 215

(2) If the board determines that the amount of money the 216
district would spend on renewable energy generation measures as 217
defined in section 3313.372 of the Revised Code is not likely to 218
exceed the amount of money it would save in energy and resultant 219
operational and maintenance costs over the ensuing thirty years, 220
the board may choose one of the following options: 221

(a) Elect not to incur indebtedness to finance renewable 222
energy generation measures; 223

(b) Submit to the commission a request for approval to incur 224
indebtedness to finance renewable energy generation measures. 225

If the board elects to submit a request and the commission 226
determines that the request is reasonable, the commission shall 227
approve the board's request. Upon receipt of the commission's 228

approval, the district may issue securities without a vote of the 229
electors in a principal amount not to exceed nine-tenths of one 230
per cent of its tax valuation for the purpose of renewable energy 231
generation measures, but the total net indebtedness of the 232
district without a vote of the electors incurred under this and 233
all other sections of the Revised Code, except section 3318.052 of 234
the Revised Code, shall not exceed one per cent of the district's 235
valuation. 236

(H) With the consent of the superintendent of public 237
instruction, a school district may incur without a vote of the 238
electors net indebtedness that exceeds the amounts stated in 239
divisions (A) and (G) of this section for the purpose of paying 240
costs of permanent improvements, if and to the extent that both of 241
the following conditions are satisfied: 242

(1) The fiscal officer of the school district estimates that 243
receipts of the school district from payments made under or 244
pursuant to agreements entered into pursuant to section 725.02, 245
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.62, 246
5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised 247
Code, or distributions under division (C) of section 5709.43 of 248
the Revised Code, or any combination thereof, are, after 249
accounting for any appropriate coverage requirements, sufficient 250
in time and amount, and are committed by the proceedings, to pay 251
the debt charges on the securities issued to evidence that 252
indebtedness and payable from those receipts, and the taxing 253
authority of the district confirms the fiscal officer's estimate, 254
which confirmation is approved by the superintendent of public 255
instruction; 256

(2) The fiscal officer of the school district certifies, and 257
the taxing authority of the district confirms, that the district, 258
at the time of the certification and confirmation, reasonably 259
expects to have sufficient revenue available for the purpose of 260

operating such permanent improvements for their intended purpose 261
upon acquisition or completion thereof, and the superintendent of 262
public instruction approves the taxing authority's confirmation. 263

The maximum maturity of securities issued under division (H) 264
of this section shall be the lesser of twenty years or the maximum 265
maturity calculated under section 133.20 of the Revised Code. 266

(I) A school district may incur net indebtedness by the 267
issuance of securities in accordance with the provisions of this 268
chapter in excess of the limit specified in division (B) or (C) of 269
this section when necessary to raise the school district portion 270
of the basic project cost and any additional funds necessary to 271
participate in a project under Chapter 3318. of the Revised Code, 272
including the cost of items designated by the Ohio school 273
facilities commission as required locally funded initiatives and 274
the cost for site acquisition. The school facilities commission 275
shall notify the superintendent of public instruction whenever a 276
school district will exceed either limit pursuant to this 277
division. 278

(J) A school district whose portion of the basic project cost 279
of its classroom facilities project under sections 3318.01 to 280
3318.20 of the Revised Code is greater than or equal to one 281
hundred million dollars may incur without a vote of the electors 282
net indebtedness in an amount up to two per cent of its tax 283
valuation through the issuance of general obligation securities in 284
order to generate all or part of the amount of its portion of the 285
basic project cost if the controlling board has approved the 286
school facilities commission's conditional approval of the project 287
under section 3318.04 of the Revised Code. The school district 288
board and the Ohio school facilities commission shall include the 289
dedication of the proceeds of such securities in the agreement 290
entered into under section 3318.08 of the Revised Code. No state 291
moneys shall be released for a project to which this section 292

applies until the proceeds of any bonds issued under this section 293
that are dedicated for the payment of the school district portion 294
of the project are first deposited into the school district's 295
project construction fund. 296

Sec. 133.20. (A) This section applies to bonds that are 297
general obligation Chapter 133. securities. If the bonds are 298
payable as to principal by provision for annual installments, the 299
period of limitations on their last maturity, referred to as their 300
maximum maturity, shall be measured from a date twelve months 301
prior to the first date on which provision for payment of 302
principal is made. If the bonds are payable as to principal by 303
provision for semiannual installments, the period of limitations 304
on their last maturity shall be measured from a date six months 305
prior to the first date on which provision for payment of 306
principal is made. 307

(B) Bonds issued for the following permanent improvements or 308
for permanent improvements for the following purposes shall have 309
maximum maturities not exceeding the number of years stated: 310

(1) Fifty years: 311

(a) The clearance and preparation of real property for 312
redevelopment as an urban redevelopment project; 313

(b) Acquiring, constructing, widening, relocating, enlarging, 314
extending, and improving a publicly owned railroad or line of 315
railway or a light or heavy rail rapid transit system, including 316
related bridges, overpasses, underpasses, and tunnels, but not 317
including rolling stock or equipment; 318

(c) Pursuant to section 307.675 of the Revised Code, 319
constructing or repairing a bridge using long life expectancy 320
material for the bridge deck, and purchasing, installing, and 321
maintaining any performance equipment to monitor the physical 322

condition of a bridge so constructed or repaired. Additionally,	323
the average maturity of the bonds shall not exceed the expected	324
useful life of the bridge deck as determined by the county	325
engineer under that section.	326
(2) Forty years:	327
(a) General waterworks or water system permanent	328
improvements, including buildings, water mains, or other	329
structures and facilities in connection therewith;	330
(b) Sewers or sewage treatment or disposal works or	331
facilities, including fireproof buildings or other structures in	332
connection therewith;	333
(c) Storm water drainage, surface water, and flood prevention	334
facilities.	335
(3) Thirty-five years:	336
(a) An arena, a convention center, or a combination of an	337
arena and convention center under section 307.695 of the Revised	338
Code;	339
(b) Sports facilities.	340
(4) Thirty years:	341
(a) Municipal recreation, excluding recreational equipment;	342
(b) Urban redevelopment projects;	343
(c) Acquisition of real property;	344
(d) Street or alley lighting purposes or relocating overhead	345
wires, cables, and appurtenant equipment underground;	346
<u>(e) Renewable energy generation measures as authorized by</u>	347
<u>section 133.06 of the Revised Code.</u>	348
(5) Twenty years: constructing, reconstructing, widening,	349
opening, improving, grading, draining, paving, extending, or	350
changing the line of roads, highways, expressways, freeways,	351

streets, sidewalks, alleys, or curbs and gutters, and related	352
bridges, viaducts, overpasses, underpasses, grade crossing	353
eliminations, service and access highways, and tunnels.	354
(6) Fifteen years:	355
(a) Resurfacing roads, highways, streets, or alleys;	356
(b) Alarm, telegraph, or other communications systems for	357
police or fire departments or other emergency services;	358
(c) Passenger buses used for mass transportation;	359
(d) Energy conservation measures as authorized by section	360
133.06 of the Revised Code.	361
(7) Ten years:	362
(a) Water meters;	363
(b) Fire department apparatus and equipment;	364
(c) Road rollers and other road construction and servicing	365
vehicles;	366
(d) Furniture, equipment, and furnishings;	367
(e) Landscape planting and other site improvements;	368
(f) Playground, athletic, and recreational equipment and	369
apparatus;	370
(g) Energy conservation measures as authorized by section	371
505.264 of the Revised Code.	372
(8) Five years: New motor vehicles other than those described	373
in any other division of this section and those for which	374
provision is made in other provisions of the Revised Code.	375
(C) Bonds issued for any permanent improvements not within	376
the categories set forth in division (B) of this section shall	377
have maximum maturities of from five to thirty years as the fiscal	378
officer estimates is the estimated life or period of usefulness of	379

those permanent improvements. Bonds issued under section 133.51 of 380
the Revised Code for purposes other than permanent improvements 381
shall have the maturities, not to exceed forty years, that the 382
taxing authority shall specify. Bonds issued for energy 383
conservation measures under section 307.041 of the Revised Code 384
shall have maximum maturities not exceeding the lesser of the 385
average life of the energy conservation measures as detailed in 386
the energy conservation report prepared under that section or 387
thirty years. 388

(D) Securities issued under section 505.265 of the Revised 389
Code shall mature not later than December 31, 2035. 390

(E) A securities issue for one purpose may include permanent 391
improvements within two or more categories under divisions (B) and 392
(C) of this section. The maximum maturity of such a bond issue 393
shall not exceed the average number of years of life or period of 394
usefulness of the permanent improvements as measured by the 395
weighted average of the amounts expended or proposed to be 396
expended for the categories of permanent improvements. 397

Sec. 3313.372. (A) As used in this section, ~~"energy:~~ 398

(1) "Energy conservation measure" means an installation or 399
modification of an installation in, or remodeling of, a building, 400
to reduce energy consumption. It includes: 401

~~1)~~(a) Insulation of the building structure and systems 402
within the building; 403

~~2)~~(b) Storm windows and doors, multiglazed windows and 404
doors, heat absorbing or heat reflective glazed and coated window 405
and door systems, additional glazing, reductions in glass area, 406
and other window and door system modifications that reduce energy 407
consumption; 408

~~3)~~(c) Automatic energy control systems; 409

+4)(d) Heating, ventilating, or air conditioning system	410
modifications or replacements;	411
+5)(e) Caulking and weatherstripping;	412
+6)(f) Replacement or modification of lighting fixtures to	413
increase the energy efficiency of the system without increasing	414
the overall illumination of a facility, unless such increase in	415
illumination is necessary to conform to the applicable state or	416
local building code for the proposed lighting system;	417
+7)(g) Energy recovery systems;	418
+8)(h) Cogeneration systems <u>or other systems</u> that produce <u>or</u>	419
<u>generate</u> steam or forms of energy such as heat, as well as	420
electricity, for use primarily within a building or complex of	421
buildings <u>on the premises or in conjunction with a net metering</u>	422
<u>system</u> ;	423
+9)(i) Any other modification, installation, or remodeling	424
approved by the Ohio school facilities commission as an energy	425
conservation measure.	426
<u>(2) "Renewable energy generation measure" means an</u>	427
<u>installation or modification of an installation in, or remodeling</u>	428
<u>of, a building, or installation of equipment on, in, or proximate</u>	429
<u>to a building, to generate electricity from renewable energy</u>	430
<u>resources as defined in section 4928.01 of the Revised Code.</u>	431
(B) A board of education of a city, exempted village, local,	432
or joint vocational school district may enter into an installment	433
payment contract for the purchase and installation of energy	434
conservation measures <u>or renewable energy generation measures</u> . The	435
provisions of such installment payment contracts dealing with	436
interest charges and financing terms shall not be subject to the	437
competitive bidding requirements of section 3313.46 of the Revised	438
Code, and shall be on the following terms:	439

(1) ~~Not~~ In the case of the purchase and installation of energy conservation measures, not less than one-fifteenth of the costs thereof shall be paid within two years from the date of purchase. The remaining balance of the costs thereof shall be paid within fifteen years from the date of purchase. 440
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(2) In the case of the purchase and installation of renewable energy generation measures, not less than one-fifteenth 445
one-thirtieth of the costs thereof shall be paid within two years 446
from the date of purchase. The 447
448

~~(2)~~ The remaining balance of the costs thereof shall be paid 449
within fifteen thirty years from the date of purchase. 450

An installment payment contract entered into by a board of 451
education under this section shall require the board to contract 452
in accordance with division (A) of section 3313.46 of the Revised 453
Code for the installation, modification, or remodeling of energy 454
conservation measures or purchase and installation of renewable 455
energy generation measures unless division (A) of section 3313.46 456
of the Revised Code does not apply pursuant to division (B)(3) of 457
that section. An installment payment contract entered into under 458
this chapter may provide for the seller to retain title to 459
renewable energy generation equipment for part or all of the term 460
of the contract. 461

(C) The board may issue the notes of the school district 462
signed by the president and the treasurer of the board and 463
specifying the terms of the purchase and securing the deferred 464
payments provided in this section, payable at the times provided 465
and bearing interest at a rate not exceeding the rate determined 466
as provided in section 9.95 of the Revised Code. The notes may 467
contain an option for prepayment and shall not be subject to 468
Chapter 133. of the Revised Code. In the resolution authorizing 469
the notes, the board may provide, without the vote of the electors 470
of the district, for annually levying and collecting taxes in 471

amounts sufficient to pay the interest on and retire the notes, 472
except that the total net indebtedness of the district without a 473
vote of the electors incurred under this and all other sections of 474
the Revised Code, except section 3318.052 of the Revised Code, 475
shall not exceed one per cent of the district's tax valuation. 476
Revenues derived from local taxes or otherwise, for the purpose of 477
conserving or generating energy or for defraying the current 478
operating expenses of the district, may be applied to the payment 479
of interest and the retirement of such notes. The notes may be 480
sold at private sale or given to the contractor under the 481
installment payment contract authorized by division (B) of this 482
section. 483

(D) Debt incurred under this section shall not be included in 484
the calculation of the net indebtedness of a school district under 485
section 133.06 of the Revised Code. 486

(E)(1) No school district board shall enter into an 487
installment payment contract under division (B) of this section 488
for the purchase and installation of energy conservation measures 489
unless it first obtains a report of the costs of the energy 490
conservation measures and the savings thereof as described under 491
division (G)(1) of section 133.06 of the Revised Code as a 492
requirement for issuing energy securities, makes a finding that 493
the amount spent on such measures is not likely to exceed the 494
amount of money it would save in energy costs and resultant 495
operational and maintenance costs as described in that division, 496
except that that finding shall cover the ensuing fifteen years, 497
and the Ohio school facilities commission determines that the 498
district board's findings are reasonable and approves the contract 499
as described in that division. 500

The district board shall monitor the savings and maintain a 501
report of those savings, which shall be available to the 502
commission in the same manner as required by division (G) of 503

section 133.06 of the Revised Code in the case of energy 504
securities. 505

(2) No school district board shall enter into an installment 506
payment contract under division (B) of this section for the 507
purchase and installation of renewable energy generation measures 508
unless the commission, as required by division (G)(2) of section 509
133.06 of the Revised Code, determines that the board's request to 510
enter into the contract is reasonable and approves the contract as 511
described in division (B) of this section. 512

Sec. 3313.377. (A) As used in this section, "renewable energy 513
system" means a system providing electricity produced from 514
renewable energy resources as defined in division (A)(35) of 515
section 4928.01 of the Revised Code. 516

(B)(1) There is hereby established the renewable energy 517
schools pilot program. Under the pilot program, within three years 518
after the effective date of this section, school districts in the 519
state with student enrollment of five thousand or more shall 520
install one or more renewable energy systems on district property 521
in accordance with the following: 522

(a) School districts with student enrollment of five thousand 523
to ten thousand students shall install a renewable energy system 524
equal to a minimum total of two hundred fifty kilowatts for the 525
district. 526

(b) School districts with student enrollment of more than ten 527
thousand students shall install a renewable energy system equal to 528
a minimum total of five hundred kilowatts for the district. 529

To meet this requirement, a renewable energy system may be 530
installed on, in, or proximate to schools or other buildings or 531
facilities belonging to the district. The board of education of 532
each district participating in the pilot program shall designate 533

the particular schools, buildings, or other facilities that shall 534
install renewable energy systems. 535

(2) For use in the schools' curriculum, each district 536
participating in the pilot program shall set up a renewable energy 537
educational installation or demonstration module at every school 538
at which a renewable energy system is installed. Provision for 539
such installation or module shall be included as a condition of 540
the contract the board enters into pursuant to division (C) of 541
this section. If a renewable energy system is installed on, in, or 542
proximate to a district building or facility other than a school, 543
then the board shall determine the location for the installation 544
or module. 545

(3)(a) In order to meet the electricity requirement of 546
division (B)(1) of this section, the board shall submit a request 547
for proposals to be published in a newspaper of general 548
circulation in the district once each week for a period of at 549
least two consecutive weeks prior to the date specified by the 550
board for receiving proposals. The request for proposals shall 551
include a general description of the proposed contract to install 552
one or more renewable energy systems. Respondents to the request 553
for proposals shall be among those listed as eligible renewable 554
energy installers by the Ohio energy office within the department 555
of development for the advanced energy program and shall describe 556
how their proposal meets the electricity requirement of division 557
(B)(1) of this section in a manner that would be economic for the 558
district regarding the reasonably forecasted retail rate of 559
electricity payable by the district over a thirty-year period. 560

(b) When selecting a proposal for the pilot program contract, 561
the board shall take into consideration the amount of the system 562
components that would be manufactured in the state and give 563
preference to the proposal that includes the most components 564
manufactured in the state. 565

(c) If, within ninety days, the board determines that no proposals have been received that allow the board to enter into a contract so that compliance with the electricity requirement of this section would be economic as described in division (B)(3)(a) of this section, with the result that the district is unable to comply with the electricity requirement in division (B)(1) of this section, the district may comply as closely as possible to the requirement of division (B)(1) of this section or may withdraw the request for proposals and elect not to participate in the pilot program. 566
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(C)(1) To comply with division (B) of this section, the board of education of a district participating in the pilot program pursuant to this section shall provide for the installation, operation, and maintenance of a renewable energy system on the property of each designated school, building, or other facility. The board may provide for such system either by its direct ownership of the system or by hosting the system pursuant to a contract with a third-party provider, other than the board, that shall own the system and install, operate, and maintain the system. In the case of direct ownership of the system, the board may enter into an installment payment contract for renewable energy generation measures pursuant to section 3313.372 of the Revised Code. In the case of a board hosting the system pursuant to a contract with a third-party provider, the board shall enter into a power purchase agreement with the third-party provider to supply the designated school, building, or other facility with the electricity generated by the renewable energy system installed at the school, building, or other facility. 576
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(2) No board shall enter into a contract pursuant to this section if the contract is in force for a period that is longer than the period for which a renewable energy system installed in the district is under written warranty of the manufacturer or 594
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distributor of the system. 598

(3) If a board enters into a contract pursuant to this 599
section, the contract shall include a provision for the 600
termination of the contract, including terms under which the board 601
may terminate the contract without being charged a termination fee 602
of any kind if the board determines that the cost the district 603
pays for the electricity generated by the renewable energy system 604
is substantially greater than the retail rate of electricity that 605
would have been payable by the district if the system had not been 606
installed. 607

(4) If a board enters into a contract with a third-party 608
provider pursuant to this section, the contract shall include a 609
provision describing the terms under which the board may purchase 610
the renewable energy system from the third-party provider. 611

(D) No board shall purchase renewable energy resource credits 612
to meet the electricity requirement of division (B)(1) of this 613
section. 614

(E) Not later than the thirtieth day of June in the years 615
2010, 2011, and 2012, each third-party provider that has 616
contracted with a board pursuant to division (C) of this section 617
shall submit to the Ohio energy office within the department of 618
development an annual status report of its participation in the 619
pilot program. Not later than the thirty-first day of December in 620
the years 2010, 2011, and 2012, the office shall submit a report 621
that provides the status of the pilot program to the speaker of 622
the house of representatives, the minority leader of the house of 623
representatives, the president of the senate, and the minority 624
leader of the senate. At a minimum the report shall include the 625
following: 626

(1) The number of school districts in the state that are 627
participating in the pilot program; 628

(2) The number of renewable energy systems installed within each district; 629
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(3) The total nameplate generating capacity of the renewable energy systems installed within each district; 631
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(4) Each district's estimated energy savings for the report year. 633
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The office may include in its report recommendations regarding the pilot program, including recommendations as to whether the pilot program should be expanded to permit more districts to participate. 635
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The general assembly shall conduct an evaluation of the pilot program at the end of the three-year period. When conducting the evaluation, the general assembly shall consider the office's annual reports and the recommendations, if any, made by the office. 639
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Sec. 3313.46. (A) In addition to any other law governing the bidding for contracts by the board of education of any school district, when any such board determines to build, repair, enlarge, improve, or demolish any school building, the cost of which will exceed twenty-five thousand dollars, except in cases of urgent necessity, or for the security and protection of school property, and except as otherwise provided in division (D) of section 713.23 and in section 125.04 of the Revised Code, all of the following shall apply: 644
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(1) The board shall cause to be prepared the plans, specifications, and related information as required in divisions (A), (B), and (D) of section 153.01 of the Revised Code unless the board determines that other information is sufficient to inform any bidders of the board's requirements. However, if the board determines that such other information is sufficient for bidding a 653
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project, the board shall not engage in the construction of any 659
such project involving the practice of professional engineering, 660
professional surveying, or architecture, for which plans, 661
specifications, and estimates have not been made by, and the 662
construction thereof inspected by, a licensed professional 663
engineer, licensed professional surveyor, or registered architect. 664

(2) The board shall advertise for bids once each week for a 665
period of not less than two consecutive weeks in a newspaper of 666
general circulation in the district before the date specified by 667
the board for receiving bids. The board may also cause notice to 668
be inserted in trade papers or other publications designated by it 669
or to be distributed by electronic means, including posting the 670
notice on the board's internet web site. If the board posts the 671
notice on its web site, it may eliminate the second notice 672
otherwise required to be published in a newspaper of general 673
circulation within the school district, provided that the first 674
notice published in such newspaper meets all of the following 675
requirements: 676

(a) It is published at least two weeks before the opening of 677
bids. 678

(b) It includes a statement that the notice is posted on the 679
board of education's internet web site. 680

(c) It includes the internet address of the board's internet 681
web site. 682

(d) It includes instructions describing how the notice may be 683
accessed on the board's internet web site. 684

(3) Unless the board extends the time for the opening of bids 685
they shall be opened at the time and place specified by the board 686
in the advertisement for the bids. 687

(4) Each bid shall contain the name of every person 688
interested therein. Each bid shall meet the requirements of 689

section 153.54 of the Revised Code. 690

(5) When both labor and materials are embraced in the work 691
bid for, the board may require that each be separately stated in 692
the bid, with the price thereof, or may require that bids be 693
submitted without such separation. 694

(6) None but the lowest responsible bid shall be accepted. 695
The board may reject all the bids, or accept any bid for both 696
labor and material for such improvement or repair, which is the 697
lowest in the aggregate. In all other respects, the award of 698
contracts for improvement or repair, but not for purchases made 699
under section 3327.08 of the Revised Code, shall be pursuant to 700
section 153.12 of the Revised Code. 701

(7) The contract shall be between the board and the bidders. 702
The board shall pay the contract price for the work pursuant to 703
sections 153.13 and 153.14 of the Revised Code. The board shall 704
approve and retain the estimates referred to in section 153.13 of 705
the Revised Code and make them available to the auditor of state 706
upon request. 707

(8) When two or more bids are equal, in the whole, or in any 708
part thereof, and are lower than any others, either may be 709
accepted, but in no case shall the work be divided between such 710
bidders. 711

(9) When there is reason to believe there is collusion or 712
combination among the bidders, or any number of them, the bids of 713
those concerned therein shall be rejected. 714

(B) Division (A) of this section does not apply to the board 715
of education of any school district in any of the following 716
situations: 717

(1) The acquisition of educational materials used in 718
teaching. 719

(2) If the board determines and declares by resolution 720
adopted by two-thirds of all its members that any item is 721
available and can be acquired only from a single source. 722

(3) If the board declares by resolution adopted by two-thirds 723
of all its members that division (A) of this section does not 724
apply to any installation, modification, or remodeling ~~involved in~~ 725
any of either of the following: 726

(a) An energy conservation measure undertaken through an 727
installment payment contract under section 3313.372 of the Revised 728
Code or undertaken pursuant to division (G)(1) of section 133.06 729
of the Revised Code; 730

(b) A renewable energy generation measure, including a 731
renewable energy system under section 3313.377 of the Revised 732
Code, undertaken through an installment payment contract under 733
section 3313.372 of the Revised Code or undertaken pursuant to 734
division (G)(2) of section 133.06 of the Revised Code. 735

(4) The acquisition of computer software for instructional 736
purposes and computer hardware for instructional purposes pursuant 737
to division (B)(4) of section 3313.37 of the Revised Code. 738

(C) No resolution adopted pursuant to division (B)(2) or (3) 739
of this section shall have any effect on whether sections 153.12 740
to 153.14 and 153.54 of the Revised Code apply to the board of 741
education of any school district with regard to any item. 742

Sec. 4928.62. (A) There is hereby created the advanced energy 743
program, which shall be administered by the director of 744
development. Under the program, the director may authorize the use 745
of moneys in the advanced energy fund for financial, technical, 746
and related assistance for advanced energy projects in this state 747
or for economic development assistance, in furtherance of the 748
purposes set forth in section 4928.63 of the Revised Code. To the 749

extent feasible given approved applications for assistance, the 750
assistance shall be distributed among the certified territories of 751
electric distribution utilities and participating electric 752
cooperatives, and among the service areas of participating 753
municipal electric utilities, in amounts proportionate to the 754
remittances of each utility and cooperative under divisions (B)(1) 755
and (3) of section 4928.61 of the Revised Code. 756

The director shall not authorize financial assistance for an 757
advanced energy project under the program unless the director 758
first determines that the project will create new jobs or preserve 759
existing jobs in this state or use innovative technologies or 760
materials. 761

(B) In carrying out sections 4928.61 to 4928.63 of the 762
Revised Code, the director may do all of the following to further 763
the public interest in advanced energy projects and economic 764
development: 765

(1) Award grants, contracts, loans, loan participation 766
agreements, linked deposits, and energy production incentives; 767

(2) Acquire in the name of the director any property of any 768
kind or character in accordance with this section, by purchase, 769
purchase at foreclosure, or exchange, on such terms and in such 770
manner as the director considers proper; 771

(3) Make and enter into all contracts and agreements 772
necessary or incidental to the performance of the director's 773
duties and the exercise of the director's powers under sections 774
4928.61 to 4928.63 of the Revised Code; 775

(4) Employ or enter into contracts with financial 776
consultants, marketing consultants, consulting engineers, 777
architects, managers, construction experts, attorneys, technical 778
monitors, energy evaluators, or other employees or agents as the 779
director considers necessary, and fix their compensation; 780

(5) Adopt rules prescribing the application procedures for 781
financial assistance under the advanced energy program; the terms 782
and conditions of any grants, contracts, loans, loan participation 783
agreements, linked deposits, and energy production incentives; 784
criteria pertaining to the eligibility of participating lending 785
institutions; and any other matters necessary for the 786
implementation of the program; 787

(6) Do all things necessary and appropriate for the operation 788
of the program. 789

(C) The department of development may hold ownership to any 790
unclaimed energy efficiency and renewable energy emission 791
allowances provided for in Chapter 3745-14 of the Administrative 792
Code or otherwise, that result from advanced energy projects that 793
receive funding from the advanced energy fund, and it may use the 794
allowances to further the public interest in advanced energy 795
projects or for economic development. 796

(D) Financial statements, financial data, and trade secrets 797
submitted to or received by the director from an applicant or 798
recipient of financial assistance under sections 4928.61 to 799
4928.63 of the Revised Code, or any information taken from those 800
statements, data, or trade secrets for any purpose, are not public 801
records for the purpose of section 149.43 of the Revised Code. 802

(E) Nothing in the amendments of sections 4928.61, 4928.62, 803
and 4928.63 of the Revised Code by Sub. H.B. 251 of the 126th 804
general assembly shall affect any pending or effected assistance, 805
pending or effected purchases or exchanges of property made, or 806
pending or effected contracts or agreements entered into pursuant 807
to division (A) or (B) of this section as the section existed 808
prior to the effective date of those amendments, January 4, 2007, 809
or shall affect the exemption provided under division (C) of this 810
section as the section existed prior to that effective date. 811

(F) Any assistance a school district receives for an advanced 812
energy project, including a geothermal heating, ventilating, and 813
air conditioning system, and renewable energy generation measures 814
under sections 3313.372 and 3313.377 of the Revised Code, shall be 815
in addition to any assistance provided under Chapter 3318. of the 816
Revised Code ~~and~~. Any assistance for an advanced energy project 817
under this division shall not be included as part of the district 818
or state portion of the basic project cost under ~~that chapter~~ 819
Chapter 3318. of the Revised Code. 820

Section 2. That existing sections 133.06, 133.20, 3313.372, 821
3313.46, and 4928.62 of the Revised Code are hereby repealed. 822